TEXT OF PROPOSED REGULATIONS

Add Sections 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, ~~20108.37,~~ 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, <u>20108.71,</u> 20108.75, and 20108.80 of Chapter 2 to Division 7 of Title 2 of the California Code of Regulations.

Chapter 2. Statewide Voter Registration Database

§20108. Purpose.
(a) The purpose of this chapter is to establish standards and procedures for processing, transmitting, and maintaining voter registration records in a manner that conforms with the statewide voter registration list requirements set forth in the Help America Vote Act of 2002 (HAVA). (Pub. L. No. 107-252 (2002) 116 Stat. 1666, 42 U.S.C. § 15483.)
(b) This chapter applies to the Secretary of State and all elections officials within the State of California in processing, transmitting, and maintaining voter registration records in this state.

Note: Authority cited: Section 12172.5, Government Code; Sections 10, 2150, 2153, and 2154 Elections Code.
Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483.

§20108.1. Definitions.
As used in this Chapter, the following words have the following definitions:
(a) "Active voter" means any registered voter that is legally entitled to vote and has not been deemed an "inactive voter" pursuant to the voter registration provisions of Elections Code section 2221.
(b) "Business day" means each day in which the elections official, as defined below, is open for business.
(c) "Calvalidator" means the Secretary of State's computer application and system used to validate the California driver's license or state identification number or the last four digits of the social security number of new or existing registrants.
(d) "Calvoter" means the Secretary of State's computer application, system and hardware that receives, transmits, and stores voter registration data for all registered voters in California pursuant to the requirements of Section 303 of HAVA (42 U.S.C. § 15483).
(e) "Calvoter workstation" means the Secretary of State's owned personal computer located in the office of each elections official and connected directly to the Calvoter network, which is used to facilitate the exchange of data between each county and the Calvoter database.
(f) "Confirmed California driver's license or state identification number" means a driver's license or state identification number within Calvoter that has been provided to Calvoter by the elections official in the county where the individual registered to vote.

(g) "Deficient registration record" means those records submitted to Calvoter <u>that do not contain the substantive information necessary to determine eligibility to vote, as well as those records</u> that do not meet the Calvoter data exchange standards set forth in the *Calvoter and Calvalidator Data Standards (~~12/2005~~01/2007).*

(h) "Elections management system" means the computerized application and database that manages voter registration and related election functions for a jurisdiction.

(i) "Elections official" means a county clerk or registrar of voters who is responsible for collecting and processing voter registration data within a jurisdiction in the State of California.

(j) "Federal election" means any general, special, primary, or runoff election for any Federal office (President, Vice President, U.S. Senator or U.S. Representative), including presidential preference primaries.

(k) "Full load file" means an electronic data file containing all voter registration records from a county for submission to Calvoter. Such a file must adhere to the format standards set forth in the *Calvoter and Calvalidator Data Standards (~~12/2005~~01/2007).*

(l) "Inactive voter" means a voter for whom a county has received: 1) a returned residency confirmation mailing pursuant to California Elections Code section 2220 without a forwarding address within the same county, or 2) information obtained through the United States Postal Service National Change of Address (NCOA) database indicating that the voter has moved outside the county pursuant to California Elections Code sections 2222 and 2226. Per California Elections Code sections 2221 and 2226, such inactive registrants retain the legal right to vote, but need not be mailed election material. Further, inactive voters who do not vote in two consecutive Federal general elections are subject to cancellation of their voter registration pursuant to Section 303(a)(4)(A) of HAVA (42 U.S.C. § 15483(a)(4)(A)).

(m) "List maintenance notices" means any notices mailed to a registered voter for the purpose of verifying registration information about a registrant and to determine a registrant's ongoing eligibility to vote.

(n) "Registration record" means electronically stored data associated with an individual registered voter.

(o) "Registration update file" means an electronic data file for submission to Calvoter that contains all voter registration record changes that have occurred since the last data submission from a county. Such a file must adhere to the format standards set forth in the *Calvoter and Calvalidator Data Standards (~~12/2005~~01/2007).*

(p) "Satisfactory proof of identity" means the forms of proof of residency and identity as defined in the California Code of Regulations, title 2, section 20107.

(q) "Verified California driver's license or state identification number" means a registrant's California driver's license or state identification number that has been verified against California Department of Motor Vehicle records.

(r) "Verified social security number" means the last four digits of a registrant's social security number issued by the Social Security Administration that has been verified against the Social Security Administration through the California Department of Motor Vehicle records.

(s) "Voter history" means the electronic record of each time a voter participates in a state or Federal election.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code. Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483.

§20108.12. Action Required.
Unless otherwise provided in law, an elections official who receives a notice requesting a change to, or cancellation of, a voter's registration record pursuant to the California Elections Code or this chapter shall perform and complete the requested action within five (5) business days. During the five (5) business day period, county elections officials shall take all reasonable actions to research and resolve the requested action, including but not limited to, reviewing registration and voting history, reviewing source documents, matching signatures and contacting registrants directly. Performance shall not be complete until the elections official has submitted the fully complete and updated files or full load files to Calvoter in accordance with Section 20108.15 and Section 20108.40.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code. Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483.

§20108.15. Data Exchange Standards.~~1~~
(a) ~~Beginning on or before January 1, 2006, the~~ The Secretary of State shall regularly check and identify records that are not compliant with the *Calvoter and Calvalidator Data Standards (~~12/2005~~01/2007)*. Elections officials shall correct the deficient registration records in accordance with Section 20108.25 and Section 20108.40.
(b) Except as provided in Section 20108.18, elections officials shall submit all registration records to the Secretary of State. Such records shall be submitted through the Calvoter workstations and adhere to the format standards set forth in the *Calvoter and Calvalidator Data Standards (~~12/2005~~01/2007)*.
(c) The Secretary of State shall transmit registration records, notices, and other information regarding the statewide voter registration database to elections officials through the Calvoter workstations.
(d) Each elections official shall access the Calvoter workstation each business day to obtain information transmitted by the Secretary of State.
(e) The publication entitled *Calvoter and Calvalidator Data Standards (~~12/2005~~01/2007)* may be accessed by elections officials through the county-vendor website or by contacting the Secretary of State's Office.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code. Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483.

§20108.18. Official Statewide Voter Registration List.
~~(a) On or before December 31, 2005 elections officials shall submit the voter registration lists for each county to Calvoter in accordance with Section 20108.15 and Section 20108.40.~~

~~1 Secretary of State is drafting a document entitled Calvoter and Calvalidator Data Standards (12/2005), which will include the format of the last four digits of the social security number and unique identifier.~~

~~(b) On and after January 1, 2006 the~~ (a) The official statewide voter registration list for Federal elections shall be maintained in Calvoter. Elections officials shall use the official statewide voter registration list to determine eligibility to vote, issuance of ballot, and whether or not to count a provisional ballot.

~~(c)~~ (b) For the purposes of establishing the official voter registration list for a Federal election and determining voter eligibility to vote in that election, including determining the validity of any provisional ballot cast in that election, only new or updated voter registration data received by county ~~election~~elections officials on or before the 15th day prior to the election shall be ~~provided to~~ accepted by Calvoter after the 15th day prior to the election through the 28th day after the election, except under the following circumstances:

(1) New or updated voter registration data received pursuant to the production and filing of a certified copy of a judgment of the superior court directing registration to be made;

(2) New or updated voter registration data received by mail in a voter registration affidavit postmarked on or before the 15th day prior to the election;

(3) New or updated voter registration data received in an affidavit submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. § 1973gg) on or before the 15th day prior to the election;

(4) Voter registration data received from new residents in accordance with California Elections Code Section 3400;

(5) Voter registration data received from new citizens in accordance with California Elections Code Section 3500; ~~or~~

(6) Updated voter registration data received pursuant to subdivision (c); or

~~(6)~~(7) Voter registration data regarding anyone else determined by the Secretary of State or an elections official to have been legally registered to vote as of election day.

~~(d)~~ (c) For the period beginning on the ~~15th~~ 14th day prior to a Federal election through the 28th day after the election, all voter registration record additions, updates and deletions not relevant to that election shall be held at the County and ~~not sent to~~ not added to Calvoter until the 29th day following that election.

(1) A registrant who has submitted an affidavit of registration on or before the 15th day prior to an election with insufficient information to determine eligibility may be placed in pending status. Elections officials shall permit those registrants who remain in pending status after the 15th day prior to an election, to vote a provisional ballot in accordance with Elections Code section 14310, notwithstanding that pending status.

(2) The elections official shall make all reasonable attempts to resolve the pending status of registrants described in paragraph (1) within 28 days of the election and shall count the provisional ballot if the pending status of the registrant is resolved within that time.

~~(e)~~ (d) Elections officials shall provide each polling place in a Federal election with an index of registration provided for the purpose described in California Elections Code section 14216. Elections officials shall ensure that the index of registration is identical to the county index of registration in Calvoter.

~~(f)~~ (e) New or updated voter registration data that is not received by county election officials on or before the 15th day prior to the Federal election and that is not subject to the circumstances described in paragraphs (1) through (6) above shall be submitted to and accepted by Calvoter in accordance with Section 20108.15 commencing with the 29th day after the election.

(g) (f) Following the certification of election results by all elections officials, and beginning on the 29th day following the Federal election, the new or updated voter registration data shall be submitted to and accepted by Calvoter in accordance with Section 20108.15 and Section 20108.40.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code. Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483; Sections 2100, 2102, 2189, 3400 and 3500 and 15372, Elections Code.

§20108.20. Elections Management System Requirements.
On and after January 1, 2006, each Each elections official shall maintain an elections management system that receives information from and submits information to Calvoter in accordance with Section 20108.15 and Section 20108.40. The elections management systems shall also maintain and process all of the following information:
(a) The registrant's California driver's license or state identification number and whether that number was verified against California Department of Motor Vehicle records; or, for registrants without a California driver's license or identification number issued by the Department of Motor Vehicles, the last four digits of the registrant's social security number and whether that number was verified against Social Security Administration records; or, for registrants without a California driver's license or state identification number or a social security number, the unique identifier issued to the registrant in accordance with Section 20108.70.
(b) Pending status for each voter registration record until such time as the pending status is resolved information contained therein is verified in accordance with Section 20108.65 or 20108.70;
(c) Voting history of each registered voter in the county in which the elections official conducts and administers the elections;
(d) Identify those voters who registered by mail, and (i) if so, are required to present satisfactory proof of identity when voting for the first time in a Federal election or, (ii) if not, the reason for the exemption, which are (A) previously voted in a Federal election within the state, (B) submitted satisfactory proof of identification with the voter registration application, (C) provided a driver's license or state identification number or the last four digits of the social security number on the registration application which was verified, (D) entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act, (E) entitled to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, or (F) entitled to vote otherwise than in person under any other Federal law.
(e) Date and type for each mailing list maintenance notice sent to a voter, whether the voter to whom the list maintenance notice was directed responded to the notice, and any resulting updates to voter registration records;
(f) For a voter who is listed in an elections management system as an inactive voter, the reason for the change in status to inactive voter and the date of the change; and
(g) For a voter who is listed in an elections management system as having a cancelled registration, the reason for the change in status to cancelled and the date of the change.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code.

Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483; Sections 2150, 2201, 2203, 2220, 2221, 2223, 2224, 2225, and 2226, Elections Code.

§20108.25. Deficient Registration Records.
(a) A registration record submitted for the purposes of updating Calvoter that does not contain substantive information required to determine eligibility to vote shall not be accepted by Calvoter and shall automatically be returned to the elections official who submitted the deficient registration record with a deficiency notice. Within five (5) business days of receipt of a deficiency notice pursuant to this subdivision the elections official shall correct and resubmit the registration record to Calvoter in accordance with Section 20108.15 and Section 20108.40. An individual who is the subject of the deficient registration record shall not be registered to vote until the deficient registration record is resubmitted to and accepted by Calvoter. For purposes of this subsection, "substantive information required to determine eligibility to vote" means the facts necessary to determine eligibility to vote, including the registrant's name, whether the registrant is a citizen of the United States, place of residence ~~or~~ and if the registrant does not possess a residence address at which mail may be received, his or her mailing address, date of birth, state or country of birth, and a statement that the registrant is not currently imprisoned or on parole for the conviction of a felony. An individual who is not registered to vote pursuant to this subsection may only vote by provisional ballot.
(b) When the Secretary of State identifies a registration record within Calvoter that lacks only nonsubstantive information or does not conform to the *Calvoter and Calvalidator Data Standards (~~12/2005~~01/2007),* the Secretary of State shall automatically send a deficiency notice in accordance with Section 20108.15 to the elections official who submitted the deficient registration record. Within five (5) business days of receipt of a deficiency notice, the elections official shall submit the corrections to Calvoter in accordance with Section 20108.15 and Section 20108.40. Voters whose registration records are identified as deficient pursuant to this subdivision shall remain as active voters and shall be permitted to vote using a regular ballot. For purposes of this subsection, "nonsubstantive information" means information that is not required to determine eligibility to vote.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code.
Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483; Sections 2101 and 2150, Elections Code.

§20108.30. Confirmation of California Driver's License and State Identification Numbers for Affidavits of Registration submitted Prior to January 1, 2006.
(a) On or before December 15, 2005 the Secretary of State shall process the driver's license and state identification data file from the California Department of Motor Vehicles to identify California driver's license and state identification numbers for all registered voters in Calvoter who do not have confirmed California driver's license or state identification numbers.
(b) The unconfirmed California driver's license and state identification numbers that are identified as a result of the process in subdivision (a) shall be sent to elections officials by December 15, 2005, in accordance with Section 20108.15 and Section 20108.40. Elections officials shall enter the unconfirmed California driver's license and state identification numbers in the files of registered voters in the counties and send registration update files or full load files

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to Calvoter in accordance with Section 20108.15 and Section 20108.40 on or before December 31, 2005.
(c) For each registered voter for whom the process in subdivision (a) does not identify a California driver's license or state identification number, elections officials shall generate a unique identification number for the registrant in accordance with the Calvoter and Calvalidator Data Standards (12/2005) on or before December 31, 2005.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code. Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483; Section 2150, Elections Code.

§20108.35. Active Voter Files.
Elections officials shall continuously submit all active voter files to Calvoter in accordance with Section 20108.15 and Section 20108.40.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code. Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483.

§20108.36. Inactive Voter Files.
(a) Elections officials shall continuously submit all inactive voter files to Calvoter in accordance with Section 20108.15 and Section 20108.40 on or before the effective date of this chapter.
(b) After the submission of all inactive voter files in accordance with subdivision (a), elections officials shall include all inactive voter files in all registration update files and full load files to Calvoter.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code. Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483.

§20108.37. Processing New Voter Registration Applications.
(a) Prior to submitting new voter registration records to Calvoter in accordance with Section 20108.40 elections officials shall verify the California driver's license or state identification number or last four digits of the social security number provided with Calvalidator in accordance with Section 20108.65 and Section 20108.70.
(b) The status of the application shall be pending and the elections management system shall reflect pending status until an applicant's California driver's license or state identification number or last four digits of the social security number is verified by Calvalidator or the Department of Motor Vehicles. Elections officials shall not submit to Calvoter any records or data for applicants with pending status. Applicants with pending status shall only cast provisional ballots.
(c) Upon verification of the identification number or issuance of a unique identifier in accordance with Section 20108.70, pending status shall be changed to active voter status, and the elections management system shall reflect active voter status and verification status. The registration record shall be submitted to Calvoter in accordance with Section 20108.15 and Section 20108.40.

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§20108.38 Additional Processing for Voter Registration Applications Submitted by Mail for New Voters.

(a) If a voter registration application is submitted by mail, the elections official shall determine if any of the following conditions are met before the voter registration data is submitted to Calvoter:

(i) Applicant provided satisfactory proof of identity with the voter registration application or otherwise provided satisfactory proof of identity prior to voting in a Federal election; or

(ii) California driver's license or state identification number or the last four digits of the social security number provided was verified with Calvalidator or the Department of Motor Vehicles; or

(iii) Applicant is registered to vote under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff-1 et seq.), or is entitled to vote other than in person under the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee-1(b)(2)(B)(ii)), or any other Federal law; or

(iv) Applicant has previously registered to vote in the State and the elections official has determined, after researching the applicant's voting history in the county election management system and Calvoter, that the applicant has previously voted in a Federal election in the State.

(b) If any of the conditions in subdivision (a) are satisfied, the registrant shall be exempt from providing further proof of identity under HAVA for the purpose of voting. The elections official shall enter into his or her election management system the reason for the exemption from the HAVA identification requirement and, if the registrant is determined to be otherwise eligible to vote, the elections official shall transmit that data to Calvoter in accordance with Section 20108.15 and Section 20108.40.

(c) If the elections official determines that none of the conditions in subdivision (a) are satisfied, but the registrant is determined to be otherwise eligible to vote, the elections official shall submit the record to Calvoter in accordance with Section 20108.15 and Section 20108.40 and that record shall indicate that proof of identity must be provided the first time the voter votes in a Federal election.

(d) Voters identified in subdivision (c) shall be required to provide proof of identity the first time they vote in a Federal election.

(e) Once voters identified in subdivision (c) have voted in a Federal election, the elections official shall update the county election management system and Calvoter to reflect that the voter is no longer required to provide proof of identity in accordance with Section 20108.15 and Section 20108.40.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code. Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483; Section 2150, Elections Code.

§20108.40. Updating Calvoter with New Registration Records and Changes to Existing Registration Records.

Except as provided in Section 20108.18, whenever an elections official receives a new registration record or a change to an existing registration record or makes a change to an existing registration record, whether in response to a notice from the Secretary of State or otherwise, the elections official shall process such information in accordance with Section 20108.12 and transmit a registration update file or a full load file to Calvoter in accordance with Section 20108.15 on the business day in which the changes are made to the elections management system.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code. Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483.

§20108.45. Changes in the Mapping of Precincts to Statewide Political Jurisdictions.

Whenever the elections official completes changes in the assignment of precincts to any state or federal political jurisdiction, the elections official shall transmit an updated precinct file to Calvoter in accordance with Section 20108.15 by the close of the next business day.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code. Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483; Section 12260 Elections Code.

§20108.50. National Change of Address Processing.

Except during the 90 days prior to a Federal election, the Secretary of State shall conduct monthly voter registration list maintenance using a change of address service or services based on the United States Postal Service National Change of Address (NCOA) database to identify address changes for registered voters. For records showing a change of address, the Secretary of State shall automatically transmit a change of address notice to the elections official in the county from or within which a voter has moved. Within five (5) business days of receipt of a change of address notice from the Secretary of State the elections official shall process the change of address notice pursuant to California Elections Code Section 2225 and Section 2226 and submit any changes in the registration record to Calvoter in accordance with Section 20108.15 and Section 20108.40.

Note: Authority cited: Section 12172.5, Government Code; Section10, Elections Code. Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483; Sections 2225 and 2226, Elections Code.

20108.51. Department of Motor Vehicles Change of Address Processing.

Within five (5) business days of receipt of Department of Motor Vehicles information identifying a change of address for a voter, the elections official shall update the voter registration record accordingly and submit the registration update file or full load file to Calvoter in accordance with Section 20108.15 and Section 20108.40.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code.

Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483.

§20108.55. State Death and Felony Status Records.
(a) ~~Beginning January 1, 2006, the~~ The Secretary of State shall, on a weekly basis, compare all voter registration records with records of deceased persons from the Department of Health Services and records of persons with felony convictions ineligible to vote from the Department of Corrections and Rehabilitation.
(b) Whenever the Secretary of State receives new records of deceased persons from the Department of Health Services or records of persons with a felony conviction which renders them ineligible to vote from the Department of Corrections and Rehabilitation, the records shall be compared to the voter registration records in Calvoter to identify potential matches.
(c) Upon identifying potential matches, the Secretary of State shall transmit notices of the potential matches in accordance with Section 20108.15 and Section 20108.40 to the elections officials in the counties in which the potential matches are identified.
(d) Within five (5) business days of receipt of a notice of potential match the elections official shall take all necessary steps to determine whether or not the registration record matches a record of a deceased person or person with a felony conviction which renders that person ineligible to vote. If a match is confirmed by the elections official, the elections official shall update the registration records accordingly and submit a registration update file or full load file to Calvoter in accordance with Section 20108.15 and Section 20108.40.
(e) Whenever the Secretary of State receives records of persons with a federal felony conviction which renders them ineligible to vote, the records shall be forwarded to the elections official of the person's county of residence. The elections official shall process the record in accordance with Section 20108.12.
(f) County elections officials shall process county death records in accordance with California Elections Code Section 2205 and Section 20108.12 of this chapter.
(g) County elections officials shall process county felony records in accordance with California Elections Code Section 2212.

Note: Authority cited: Section 12172.5, Government Code; Section10, Elections Code.
Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483; Sections 2205, 2206 and 2212, Elections Code.

§20108.60. Duplicate Registration Records.
(a) ~~Beginning January 1, 2006, the~~ The Secretary of State shall conduct ~~weekly~~ checks at least once per month within the Calvoter statewide registration list to identify potential duplicate registrations for the same voter within that list, based on established rotating criteria. Upon identification of potential duplicate registration records, the Secretary of State shall automatically send an electronic notice to the county with the record that has the oldest date of registration.
(b) Within five (5) business days of receipt of a notice of potential duplicate registration the elections official shall take all necessary steps to determine whether or not the registration record is a duplicate of an existing newer registration, and if a duplicate registration is confirmed, shall cancel the older duplicate registration and submit a registration update file or full load file to Calvoter in accordance with Section 20108.15 and Section 20108.40.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code. Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483; Sections 2168 and 2193, Elections Code.

§20108.65. Verification of Driver's License Numbers, State Identification Numbers, and Social Security Numbers Listed on Affidavits of Registration ~~Submitted on and after January 1, 2006.~~

(a) For the purposes of complying with the voter registration requirements of HAVA, a state identification number issued by the California Department of Motor Vehicles shall satisfy the same requirements as a driver's license number issued by the California Department of Motor Vehicles.

(b) ~~On and after January 1, 2006, if~~ If a new affidavit for voter registration contains both a California driver's license or state identification number and the last four digits of a social security number, the elections official shall verify the California driver's license or state identification number and disregard the social security number.

(c) ~~On or after January 1, 2006, prior~~ Prior to submitting a new voter registration record in a registration update file or full load file to Calvoter in accordance with Section 20108.15 and Section 20108.40, the elections official shall verify that the California driver's license or state identification number or social security number provided by a registrant in an affidavit of registration was issued to the individual named therein by verifying the number through Calvalidator.

(d) If a California driver's license or state identification number or social security number has been previously verified through Calvalidator and the elections management system maintains the verification information, then the elections official is not required to verify the number again through Calvalidator.

(e) If an elections official is unable to verify a California driver's license or state identification number or social security number provided by a registrant on a new affidavit of registration, the elections official shall make reasonable attempts to contact the registrant and obtain a valid identification number. If~~, after reasonable attempts to contact the registrant,~~ the elections official is unable to verify a California driver's license or state identification number or social security number and the registrant is otherwise eligible to vote, the elections official shall generate a unique identification number for the registrant in accordance with the *Calvoter and Calvalidator Data Standards (~~12/2005~~01/2007)*.

(f) If an elections official is unable to obtain a valid number after making reasonable attempts to contact the registrant and obtain such number, and if it is determined that the registrant has not been issued a California driver's license or state identification number or social security number, and the registrant is *not* otherwise eligible to vote, the elections official shall *not* generate a unique identification number for the registrant and shall *not* register the registrant to vote. If the elections official is unable to process the registration pursuant to this subsection, the elections official shall inform the affiant of the reason for the rejection in accordance with California Elections Code section 2153.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code. Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483; Section 2153, Elections Code.

§20108.70. No Driver's License Number, State Identification Number, or Social Security Number Listed on Affidavit of Registration ~~submitted on and after January 1, 2006.~~
~~All of the following procedures shall apply to affidavits of registration submitted on or after January 1, 2006:~~
(a) If a registration record does not include a driver's license or state identification number issued by the California Department of Motor Vehicles or the last four digits of the social security number, the elections official shall determine whether a driver's license or state identification number is available through Calvalidator.

(b)(1) If a driver's license or state identification number has been issued and is available through Calvalidator, and Calvalidator identifies only one individual who possesses the last name, first name, and date of birth of the registrant, the elections official may enter that driver's license or state identification number in the registration record and update Calvoter in accordance with Section 20108.15 and Section 20108.40.

 (2) If a driver's license or state identification number has been issued and is available through Calvalidator, and Calvalidator identifies more than one individual who possesses the last name, first name, and date of birth of the registrant, the elections official shall <u>issue a unique identification number in accordance with the Calvoter and Calvalidator Data Standards (01/2007). The elections official shall enter the unique identification number into the elections management system and submit the registration record as a registration update file or full load file to Calvoter in accordance with Section 20108.15 and Section 20108.40. In addition, the elections official shall</u> contact the ~~applicant~~ <u>voter</u> to confirm <u>whether one of</u> the driver's license or state identification number~~s prior to entering the~~ <u>identified by Calvalidator is correct. If the elections official is able to confirm a number, he or she shall replace the unique identification number issued pursuant to this paragraph with that</u> driver's license or state identification number in the registration record and update Calvoter in accordance with Section 20108.15 and Section 20108.40.

(c) If a driver's license or state identification number cannot be identified or verified through Calvalidator and the registrant is otherwise eligible to vote, then a unique <u>identification</u> number shall be issued in accordance with the Calvoter and Calvalidator Data Standards (~~12/2005~~<u>01/2007</u>). The elections official shall enter the unique <u>identification</u> number into the elections management system and submit the registration record as a registration update file or full load file to Calvoter in accordance with Section 20108.15 and Section 20108.40.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code. Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483.

§20108.71. Replacement of Unique Identification Numbers.
<u>If at any time the elections official is able to obtain the California driver's license or state identification number or social security number for a voter whose registration record contains only a unique identification number, the elections official shall verify that number in accordance with Section 20108.65, and if the elections official is able to validate that number, he or she shall replace the unique identification number in the registration record with that California driver's license or state identification number or social security number and update Calvoter in accordance with Section 20108.15 and Section 20108.40.</u>

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code. Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483.

§20108.75. Voting History.
In accordance with Section 20108.15 elections officials shall submit to the Secretary of State the voting history of all voters who cast a ballot in each statewide and Federal election by the 60th day after each election.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code. Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483.

§20108.80. Certification of Elections Official.
Each elections official shall certify that the county in which the elections official has jurisdiction over the elections is in compliance with all provisions of this chapter for each Federal election. Elections officials shall do so by signing the certification form entitled *Certification of Elections Official (01/2006 01/2007)*, which is hereby incorporated by reference, and submit it to the Secretary of State with the statement of vote required pursuant to California Elections Code section 15375. The certification form entitled *Certification of Elections Official (01/2006 01/2007)* shall be provided by the Secretary of State by electronic or regular mail or facsimile transmission to each elections official along with the statement of vote reporting instructions on or before the third day following a Federal election. Each elections official shall submit to the Secretary of State an original, fully executed *Certification of Elections Official (01/2006 01/2007)* with the copy of the certified statement of results required by California Elections Code section 15375.

Note: Authority cited: Section 12172.5, Government Code; Section 10, Elections Code. Reference: Help America Vote Act of 2002, Pub. L. No. 107-252, § 303(a) (October 29, 2002) 116 Stat. 1666, 42 U.S.C. § 15483; Sections 15372 and 15375, Elections Code.

CERTIFICATION OF ELECTIONS OFFICIAL

STATE OF CALIFORNIA

COUNTY OF _____

} ss.

     Pursuant to the statewide voter registration list requirements set forth in the Help America Vote Act of 2002 (HAVA) (Pub. L. No. 107-252 (2002) 116 Stat. 1666, 42 U.S.C. § 15483), I, _____, Registrar of Voters for the County of _____, State of California, hereby certify that I complied with all provisions of Chapter 2 of Division 7 of Title 2 of the California Code of Regulations for the Federal election held on the _____ day of _____ 200____ in the County of _____, State of California, and all elections consolidated therewith.

     I hereby set my hand and official seal this _____ day of _____ 200___ at the County of _____.

COUNTY
SEAL

_____
Registrar of Voters
County of _____
State of California

Certification of Elections Official (01/2007)